

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ENERGY CONCEPTS, LLC)	
)	
v.)	NO. 3:15-1096
)	
DIRECT CAPITAL CORPORATION)	
<i>Defendant/Counter Plaintiff/</i>)	
<i>And Third Party Plaintiff</i>)	
)	
v.)	
)	
JULIE WILLIAMS INSURANCE)	
AGENCY, PLLC; JULIE WILLIAMS;)	
And ROY WILLIAMS)	
<i>Third Party Defendants</i>)	

ORDER

An initial case management conference was held in this case on December 15, 2015. Counsel appearing were: Joanna McCracken for Plaintiff; Ernest Williams and Michael Schwegler for Defendant Direct Capital; and, Jonathan Street for Defendants Julie Williams, Roy Williams, and Julie Williams Insurance Agency, PLLC. The parties submitted two different proposed case management orders (Docket Entry Nos. 11 and 12). It appears from the proposed case management orders, statements of counsel at the initial case management conference, and the entire record, that the litigation among these parties has a convoluted and somewhat tortured history, including discovery disputes, removals to and remands by this Court, litigation in Texas involving at least some of the same parties, and efforts by at least some of the parties to resolve this action.

Rather than the Court trying to figure out the differences between the two case management orders, counsel are directed to confer and prepare one joint proposed initial case management

order, which can, if necessary recite those parts or provisions about which there is disagreement. The joint proposed initial case management order shall be filed by **January 4, 2016**, and a copy emailed to Ms. Jeanne Cox, Courtroom Deputy at jeanne_w_cox@tnmd.uscourts.gov. The initial case management conference is **RESCHEDULED** for **January 8, 2016, at 2:00 p.m.** At the rescheduled initial case management conference, counsel shall also be prepare to specifically address: (i) the nature of any dispute about jurisdiction (as it appears there may not be any dispute after all despite statements about a dispute in the proposed case management orders); (ii) the general details and status of litigation in state court in Texas involving some or all of the same parties, and what impact, if any, that litigation has on this action; (iii) the prospect for settlement, including whether the parties believe that utilization of the ADR procedures in the Court's local rules might assist in resolution of this action; and, (iv) any other appropriate matters.¹

Also, by no later than **January 4, 2015**, Plaintiff shall, as agreed to by counsel at the December 15 initial case management conference, respond to the outstanding written discovery propounded by Defendant Energy Concepts.

It is SO ORDERED.


BARBARA D. HOLMES
United States Magistrate Judge

¹ From statements of counsel at the December 15 initial case management conference, it also appears that one or more of the attorneys appearing were either relatively new to this case or at least had not previously been lead counsel. It would be most helpful to the Court, and avoid the possibility of the Court yet again rescheduling the initial case management conference, if counsel appearing for the January 8 rescheduled initial case management conference are fully up to speed on this case. Those counsel representing parties involved in the Texas litigation, should be fully up to speed on the status of that action as well.